

City of St. Charles
 Community Development Division
 2 E. Main Street
 St. Charles, IL 60174

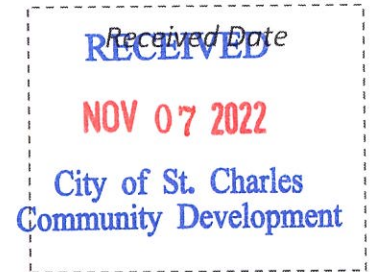


Phone: (630) 377-4443
 Email: cd@stcharlesil.gov

SPECIAL USE APPLICATION

(To request a Special Use or Amendment, or a Special Use for PUD or Amendment)

For City Use	
Project Name:	<u>Munhall Glen - Lots 44 + 45</u>
Project Number:	<u>2020</u> -PR- <u>004</u>
Cityview Project Number:	<u>PLSU202200068</u>



- File this application to request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property
- Complete the application and submit with all required attachments to the Community Development Division.
- The information you provide must be complete and accurate. If you have a question please contact the Community Development Division.
- City staff will review the submittal for completeness and for compliance with applicable requirements prior to establishing a public hearing date.

1. Property Information:	Location: 493 Robyn Lane and 494 Cora Lane, St. Charles	
	Parcel Number (s): 09-26-344-013 and 09-26-377-007	
	Proposed Name: Munhall Glen PUD	
2. Applicant Information:	Name: Court Airhart	Phone: 630-293-3000 ext. 145
	Address: 500 E. Roosevelt Road West Chicago, IL 60185	Email: Court@airhartconstruction.com
3. Record Owner Information:	Name: Airhart Construction Corp	Phone: 630-293-3000 ext. 145
	Address: 500 E. Roosevelt Road, West Chicago, IL 6185	Email: court@airhartconstruction.com

4. Identify the Type of Application:

- Special Use for Planned Unit Development - PUD Name:** Munhall Glen
 - New PUD
 - Amendment to existing PUD- Ordinance #: 2020-Z-29
 - PUD Preliminary Plan filed concurrently

- Other Special Use (from list in the Zoning Ordinance):**
 - Newly established Special Use
 - Amendment to an existing Special Use Ordinance #:

5. Information Regarding Special Use:

Comprehensive Plan designation of the property: Single Family Detached Residential

Is the property a designated Landmark or in a Historic District? No

What is the property's current zoning? ~~Select~~ RS-4 / PUD

What is the property currently used for? Residential

If the proposed Special Use is approved, what improvements or construction are planned?

Build 2 houses similar to those immediately surrounding them on the currently existing 2 residential lots.

6. For Special Use Amendments only:

Why is the proposed change necessary?

The proposed change is necessary due to an oversight in the setbacks shown on the the final plat that inadvertently precludes these 2 lots from building homes on them as originally planned for the Munhall Glen neighborhood due to the curve on the northeast corner of lot 44 and northwest corner of lot 45.

What are the proposed amendments? (Attach proposed language if necessary)

The proposed amendment is to reduce the corner side yard setback on the northeast corner of lot 44 and northwest corner of lot 45 by extending the side yard setback lines to where they intersect with the utility easement line. Also reduce the front yard setback at those same points by extending the setback lines until they intersect with the same utility easement. The attached plat shows the updated setback lines.

Note for existing buildings: If your project involves using an existing building, whether you plan to alter it or not, please contact the St. Charles Fire Department (630-377-4458) and the Building and Code Enforcement Division (630-377-4406) for information on building, life safety and other code requirements. Depending on the proposed use, size of structure and type of construction, these requirements can result in substantial costs.

7. Required Attachments:

If multiple zoning or subdivision applications will be submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.

Provide 1 copy of each required item, unless otherwise noted.

- APPLICATION FEE:** Special Use for PUD: \$1,000
All other Special Use requests: **\$750**

- REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

- REIMBURSEMENT OF FEES INITIAL DEPOSIT:** Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the subject property:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

- PROOF OF OWNERSHIP:** a) A current title policy report; or
b) A deed and a current title search

NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.

- OWNERSHIP DISCLOSURE:** Use the appropriate disclosure form (attached), if the owner or applicant is a Partnership, Corporation, Trust, or LLC.

- LETTER OF AUTHORIZATION:** If the property owner is not the applicant, an original letter of authorization from the property owner permitting the applicant to file the zoning application with the City of St. Charles for the subject property.

- LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 x 11 inch paper and Microsoft Word file.

- PLAT OF SURVEY:** A current plat of survey for the subject property showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

- FINDINGS OF FACT:** Fill out the attached "Criteria for Planned Unit Developments (PUDs)" form for any PUD application and the "Findings of Fact – Special Use" form for all other Special Use applications.

- LIST OF PROPERTY OWNERS WITHIN 250 FT.:** Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized. Property ownership information may be obtained using Kane County's interactive GIS mapping tool: http://gistech.countyofkane.org/gisims/kanemap/kanegis4_AGOx.html

- SOIL AND WATER CONSERVATION DISTRICT LAND USE OPINION APPLICATION:** As required by State law, submit a Land Use Opinion application and required fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy of completed Land Use Opinion application to the City. The Land Use Opinion application can be found on the Kane-DuPage SWCD website: <http://www.kanedupageswcd.org/>

- ENDANGERED SPECIES REPORT:** As required by State law, file an Endangered Species Consultation Agency Action with the Illinois Department of Natural Resources. Provide a copy of the report to the City. The online Ecological Compliance Assessment Tool (EcoCAT) should be utilized: <https://dnr2.illinois.gov/EcoPublic/>
- TRAFFIC STUDY:** If applicable. Staff will advise you whether a traffic study is recommended based on the project. Regardless, the Plan Commission or City Council may request a traffic study as a part of the review process.
- PLANS:** All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

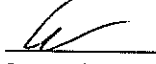
Copies: Ten (10) full size copies, one (1) 11" by 17", and PDF electronic file emailed to: cd@stcharlesil.gov

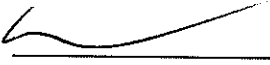
Site Plan or plans shall show the following information:

1. Accurate boundary lines with dimensions
2. Streets on and adjacent to the tract: Name and right-of-way width
3. Location, size, shape, height, and use of existing and proposed structures
4. Location and description of streets, sidewalks, and fences
5. Surrounding land uses
6. Date, north point, and scale
7. Ground elevation contour lines
8. Building/use setback lines
9. Location of any significant natural features
10. Location of any 100-year recurrence interval floodplain and floodway boundaries
11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
12. Existing zoning classification of property
13. Existing and proposed land use
14. Area of property in square feet and acres
15. Proposed off-street parking and loading areas
16. Number of parking spaces provided, and number required by ordinance
17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line
21. Provision of handicapped parking spaces
22. Dimensions of handicapped parking spaces
23. Depressed ramps available to handicapped parking spaces
24. Location, dimensions and elevations of freestanding signs
25. Location and elevations of trash enclosures
26. Provision for required screening, if applicable
27. Exterior lighting plans showing:
 - a. Location, height, intensity and fixture type of all proposed exterior lighting
 - b. Photometric information pertaining to locations of proposed lighting fixtures

(Note- For a Special Use for PUD, submit PUD Preliminary Plan Application In lieu of Site Plan)

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

 - PRESIDENT AIRMAIR CONSTRUCTION CORP 11/7/2022
Record Owner Date


Applicant or Authorized Agent 11/7/2022
Date

**OWNERSHIP DISCLOSURE FORM
CORPORATION**

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, Court Airhart, being first duly sworn on oath depose and say that I am the
President of Airhart Construction Corp, an (Illinois)
() Corporation and that the following persons are all of the shareholders of 7%
or more of the common stock of said Corporation:

<u>Mark Glassman</u>	_____
<u>Harold Airhart</u>	_____
<u>Court Airhart</u>	_____
_____	_____

BY:  _____

TITLE: PRESIDENT AIRHART CONSTRUCTION CORP.

Subscribed and Sworn before me this _____ day of
_____, 20 _____.

Notary Public

LEGAL DESCRIPTION

LOTS 44 AND 45 IN MUNHALL GLEN, BEING A SUBDIVISION OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 26 AND THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 1, 2021 AS DOCUMENT NUMBER 2021K050679, IN KANE COUNTY, ILLINOIS.

CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDs)

Use this form for PUD or PUD Amendment applications

The St. Charles Zoning Ordinance requires the Plan Commission to consider the criteria listed below in making a recommendation to the City Council on whether the proposed Planned Unit Development is in the public interest. As the applicant, the "burden of proof" is on you to provide information that addresses the criteria below in order to demonstrate that the project is in the public interest.

PUD Name: Munhall Glen lot 44 & 45 PUD Amendment

From the St. Charles Zoning Ordinance, Section 17.04.410.3:

The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

- i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated in Section 17.04.400.A:**
 1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.
 2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.
 3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
 4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
 5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.
 6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.
 7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community

The proposed amendment to the approved PUD continues the original goals of promoting a creative solution to an unmet growing housing need of single story and first floor master bedroom housing. This housing will allow for longtime community residents, business people and leaders in St. Charles to remain in St. Charles as their housing needs change. The PUD zoning promotes creative housing and provides attractive streetscapes that incentivizes porches and pedestrian friendly neighborhoods. It promotes social interaction by providing sidewalks, paths, neighborhood connection areas as well as connection to a potential linear park to the north of the property. The PUD provides a harmonious usage of the property by changing a potential heavy commercial use of the property to residential use more in scale with the residential use to the south and the less intense commercial use to the east. The development of this property will promote higher levels of landscaping and higher quality trees than currently exist on the property as uncontrolled Buckthorn, Honeysuckle, Mulberry, Box Elder, etc. and other invasive landscaping is allowed to multiply. The installation of detention areas with natural landscaping will enhance water quality and native plants. Munhall Glen will be a benefit to future residents, the surrounding neighbors, local businesses and the City of St. Charles.

ii. The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:

- A. Conforming to the requirements would inhibit creative design that serves community goals, or
- B. Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.

Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements:

1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public art, pedestrian and transit facilities.
2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
3. The PUD will provide superior landscaping, buffering or screening.
4. The buildings within the PUD offer high quality architectural design.
5. The PUD provides for energy efficient building and site design.
6. The PUD provides for the use of innovative stormwater management techniques.
7. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.
8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.
9. The PUD preserves historic buildings, sites or neighborhoods.

The proposed amendment to the approved PUD Plans continues the goal of providing a significantly more harmonious usage of the property than the more intrusive usage and negative impact on the surrounding properties the M-2 (industrial usage) zoning classification which had been in place.

The proposed amendment continues the goals of the original change in zoning and PUD by meeting a significant housing need in the community of single level and first floor master bedroom housing. This housing would not have been allowed in the M-2 zoning classification. By changing the zoning and allowing the PUD, storm water facilities, open space, and sidewalks and paths will allow for residents to enjoy the open space and property as well as provide for a pedestrian connection to the potential linear park to the north. The planned landscaping will be a significant improvement to the invasive species currently on the property and the trees planted as a part of the development will be a significant improvement. Due to the size and shape of the property by downzoning the property to an RS4-PUD it allows for implementation of a variety of lot sizes which provides for varied architecture, improved rear yard setbacks and a unique streetscape that incentivizes porches and neighbor interaction than the current M-2 zoning classification allows. The development will provide stormwater facilities with native species enhancing the water quality where currently no storm water facilities exist. The RS4-PUD enhance the opportunity for single level living while not infringing on the size of the homes for those requiring single level living. The PUD promotes quality residential development and provides good transitional zoning to benefit those properties that currently surround it. The development will be a benefit to the City of St. Charles housing and significant increase in tax base.

iii. The proposed PUD conforms with the standards applicable to Special Uses (Section 17.04.330.C.2):

A. Public Convenience: The Special Use will serve the public convenience at the proposed location.

The Amendment to the Special Use will continue to serve the public convenience at Munhall Glen by filling a housing void in the market of single story and first floor master bedroom homes. This void in the market is causing those needing this type of housing to look outside of St. Charles even though they have been long time residents. In addition, by providing housing in this location it helps support area businesses and supports good planning putting residential housing close to both public and private amenities.

B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary utilities have been, or are being, provided.

There is sufficient infrastructure and utilities for the 2 existing lots under the Amendment to the PUD because of the development on the Munhall Glen neighborhood.

C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

The Amendment to the PUD will not be injurious to the use and enjoyment of the surrounding properties, but allows these 2 lots to be developed in a similar fashion to the lots immediately surrounding them.

D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The amendment to the established Special Use will not impede the normal and orderly development and improvement of the surrounding properties, but will allow these 2 lots to be developed to match those lots immediately surrounding them.

- E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The amendment to the approved Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare. As planned, this amendment will continue the properties development goals of providing buffering between different property usages and will extend and improve municipal infrastructure, and will provide housing needed in the city of St. Charles.

- F. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

The amendment to the approved Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all applicable provisions of this Title, except as varied pursuant to the amendment and approved Special Use for the Planned Unit Development. The Special Use and PUD zoning allows for a more inventive design and the housing will be constructed at or above current codes and energy requirements. The Special Use and minor changes to the zoning requirements allows for an inventive solution for meeting a needed housing niche within the St. Charles housing stock.

- iv. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.**

The amendment to the approved PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City. The development of this property will improve connections of the water and sewer systems and provide storm water management facilities where none currently exist. It will provide a diversity of housing by providing single story and first floor master bedroom housing providing solutions for current St. Charles residents whose housing needs have changed over time and want to stay in the City due to civic, cultural, social and religious activities that they have long time connections. The PUD will substantially increase the tax base for the City, School District, Park District, etc. over the current use in perpetuity benefiting many taxing bodies. In addition, it provides housing close to many commercial districts benefiting many surrounding businesses and the economic wellbeing of the City

- v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.**

The amendment to the approved PUD conforms to the purposes and intent of the Comprehensive Plan by promoting development within the current boundaries of the City. It focuses development on an underutilized property thereby enhancing the tax base, utilizing surrounding infrastructure instead of needlessly extending infrastructure past undeveloped properties. It provides housing close to shopping districts and the downtown area as well as promoting development in an area with significant road and transportation corridors promoting orderly and efficient development.